

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

BACKWARD CLASSES WELFARE DEPARTMENT – Appeal Petition filed by Smt. A.Swarnalatha, W/o Sri A.Sridhar, Shivanagar Colony Sainikpuri, Secunderabad against Proceedings No.C2/2625/2012, dated 05.03.2013 of the Collector and District Magistrate, Ranga Reddy District - Appeal rejected – Orders – Issued.

BACKWARD CLASSES WELFRARE (C) DEPARTMENT

G.O.Rt.No. 448

Date: 23.11.2013

Read the following:

- 1) The Collector and District Magistrate, Ranga Reddy District, Proceedings No.C2/2625/2012, dated 05.03.2013.
- 2) From Smt A.Swarnalatha, Appeal Petition dated 01.04.13.
- 3) Government Memo.No.1623/C/2013, dated 06.04.2013.
- 4) From the Collector and District Magistrate, Ranga Reddy District Lr.No.C2/2625/2012, dated 08.06.2013.

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ORDER

In the reference 1st read above, the Collector & District Magistrate, Ranga Reddy District has issued Proceedings cancelling the 'Vaddera' Backward Class Caste Certificate (B.C-A) of Smt A.Swarnalatha, W/o Sri A.Sridhar, R/o Shiva Nagar Colony, Sainikpuri, Secunderabad, issued by the Tahsildar, Malkajgiri, Ranga Reddy District.

2. In the reference 2nd read above, Smt A.Swarnalatha has submitted an appeal petition to Government on the orders passed by the District Collector, Ranga Reddy District.

3. In the reference 3rd read above, Government have granted stay orders on the Procs.No. C2/2625/2012, dated 05.03.2013 of the District Collector, Ranga Reddy District and requested the Collector & District Magistrate, Ranga Reddy District to furnish a detailed report along with connected records to Government.

4. In the reference 4th read above, the Collector & District Magistrate, Ranga Reddy District, has furnished the records. The Collector & District Magistrate, Ranga Reddy District has reported that the Hon'ble High Court of A.P. has conducted recruitment for 69 posts of Civil Judges and sent recommendation to the Government vide Lr.No.ROC. No.29/2011-RC, dated: 30.07.2012 for filling up 68 posts of Civil Judge, along with the list of 68 candidates, who were provisionally selected to the posts of Civil Judge, vide letter Roc.No.29/2011 RC, dated:24.04.2012, for issuance of orders appointing them as Civil Judges. While so, an unsigned complaint petition was received in the High Court wherein, it was alleged that Smt. A.Swarnalatha, D/o. Sri K.B.S.S. Krishna Kumar was selected for the post of Civil Judge, who does not belong to BC-A category and she fraudulently mentioned her community as BC-A.

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5. Further, Smt. Bogra Saritha Rani had filed a complaint petition under Sec-V of A.P.(SC,ST,BC) Regulation of Issue of Community Certificate Act 1991. On receipt of complaint, the Tahsildar, Malkajgiri Mandal was requested to enquire into the matter.

6. In reply, the Tahsildar, Malkajgiri Mandal has submitted an enquiry report to the Commissioner of Police, Cyberabad. The Tahsildar, Malkajgiri Mandal after getting detailed enquiry conducted through Mandal Revenue Inspector, Malkajgiri locally has stated that the father of Smt. A. Swarnalatha, viz., Sri K.B.S.S. Krishna Kumar has deserted his family including his daughter, A. Swarnalatha in her childhood and subsequently she was married to Sri A.Sridhar, who belongs to BC-Vaddera Caste and due to lack of proper knowledge of her caste Smt. A. Swarnalatha, W/o Sri A.Sridhar has submitted an application for issue of BC-Vaddera Caste Certificate and the then MRO vide No.C/006286/2001, Dt.01.08.2001 has issued Vaddera Caste Certificate to the applicant. The local enquiry revealed that her husband and his family members belong to BC Vaddera Caste only, now where she is living and was issued a BC-Vaddera Caste Certificate showing wife of Sri A.Sridhar and not in the name of her father. Further, basing on the Caste Certificate, Smt. A. Swarnalatha, was also issued OBC Certificate for BC Vaddera caste.

7. Finally, the Tahsildar, Malkajgiri Mandal has stated that as per the Caste Certificate, Smt. A. Swarnalatha comes under BC-A, Sl.No.37 and as per the enquiry and written statement of her father her caste comes under BC-D Sl.No.14 and both the castes comes under BC category and only the Groups are different. Further, the Tahsildar, Malkajgiri Mandal in his report Dt.17.08.2012 has stated that the MRI in her Report Dt.17.08.2012, has reported that Smt. A. Swarnalatha, D/o Sri.K.B.S.S. Krishna Kumar belongs to Kalavanthula caste (Surya Baliya), which comes under BC-D at Sl.No.14, as her father's caste is that only.

8. The matter was examined by the District Level Scrutiny Committee and noticed that Smt A.Swarnalatha had obtained caste certificate as BC-A from the Tahsildar, Malkajgiri. Originally her parents belong to BC-D Community Sub-Caste is "Kalavanthula (Surya Baliya)". She has admitted the fact that she obtained the caste certificate as BC-A by ignorance of her original status of her community and deposed before the Committee on 05.10.2012. The father of Smt.A.Swarnalatha, who was presented before the Committee deposed that they belong to BC-D community i.e., Sub-Caste is "Kalavanthula (Surya Baliya)".

9. In view of the above facts, the Committee recommended for cancellation of Caste Certificate issued under BC-A Category, since she does not belong to that category i.e, Vaddera Caste.

10. Accordingly, the District Collector, Ranga Reddy District issued Show Cause Notice.Dt.10.01.2013 to Smt.A.Swarnalatha and the individual submitted her explanation to the show cause notice. The individual simply stated that she does not have the knowledge about her parent's caste and she obtained her caste certificate based on her husband Caste and it should be considered.

11. The Collector & District Magistrate, Ranga Reddy District in exercise of the powers conferred U/s. 5 (1) of A.P. (SCs/STs & BCs) Regulation of Issue of Community, Nativity and Date of Birth Certificate Rule, 1977, as communicated vide G.O.Ms.No. 58 of Social Welfare (J) Dept., dated: 12.5.1997, the bogus BC-A caste certificate issued to Smt.A. Swarnalatha, D/o. K.B.S.S. Krishna Kumar by the MRO, Malkajgiri Mandal was cancelled and declared that Smt. A. Swarnalatha D/o. K.B.S.S. Krishna Kumar does not belong to BC-A by the District Collector, Rangareddy District vide Procs.Rc.No. C2/2625/2012, Dt.05.03.2013.

12. Aggrieved by the above orders, Smt A. Swarnalatha, W/o Sri A.Sridhar has filed an appeal before the Government, under Rule 11 of the AP SCs,STs & BCs Issue of Community, Nativity & Date of Birth Certificate Rules,1977, and requested to set aside the orders passed by the District Collector, Ranga Reddy and pass such other suitable order or orders in the circumstances of the case.

13. The applicant Smt A.Swarnalatha, W/o Sri A.Sridhar, R/o Shiva Nagar Colony, Sainikpuri, Secunderabad District in her appeal petition has submitted the following grounds in support of her social status as "Vaddera" (BC-A):

14. "She had studied up to SSC in Z.P. Girls High School, Malkajgiri, Secunderabad and since her childhood she led a very pathetic life having been abandoned by her father out of his bad vice. Her parents namely Sri K.B.S.S. Krishna Kumar and Smt. K. Subhadra Devi entered into wedlock during the year 1977. It was not a happy marriage and her mother was regularly subjected to physical and emotional hardship by her father, which has ultimately ended in judicial separation in the year 2009 vide O.P.No. 316 of 2009. Her parents were living separately for more than seventeen (17) years, as evident from the terms of compromise before the Lok Adalat.

15. She submitted that she has completed her SSC during the year 1995 and got married to one Sri A. Sridhar, who hails from Vaddera Community falling under BC-A category during the year 1998. As she joined the family of her husband and following all traditions, customs and religious practices of Vaddera community, she has been recognized by all the members of the family, relatives, elders of the Vaddera Community as belonging to Vaddera caste. In view of this, in the year 1999, before getting admission into the graduation, she had applied for issuance of community certificate and the Tahsildar conducted personal verification by examining her husband and family members and caste and issued provisional community certificate in the year 1999. On the basis of which, she had been mentioning her social status as BC-A (Vaddera Community).

16. She further submitted that she applied for the social status certificate in the year 1999 i.e., even before joining graduation course and there was no fraudulent intention on her part to obtain any false certificate".

17. Government after careful examination of the matter and after obtaining the advice of State Level Scrutiny and Review Committee, observed that Smt A.Swarnalatha did not put forth any new grounds material to consider her appeal.

18. Accordingly, Government hereby reject and dismiss the appeal petition filed by Smt A.Swarnalatha, W/o Sri A.Sridhar, Shivanagar Colony, Sainikpuri, Secunderabad in exercise of the powers conferred under Section 7(2) of A.P. (SCs, STs and BCs) Regulation of Issue of Community Certificates Act, 1993, and Rules, 1997 and uphold the Proceedings of the District Collector, Ranga Reddy, No.C2/2625/2012, dated 05-03-2013.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR. T. RADHA
PRINCIPAL SECRETARY TO GOVERNMENT

To

Smt. A.Swarnalatha, W/o Sri A.Sridhar, Shivanagar Colony Sainikpuri,
Secunderabad.

The Collector & District Magistrate, Ranga Reddy.

The Commissioner, Backward Classes Welfare, Hyderabad.

Tahsildar, Malkajgiri Mandal, Ranga Reddy District.

Copy to:

The OSD to M (BCW)

The PS to Principal Secretary, Backward Classes Welfare Department.

All P.Ss/OSDs of Ministers in the State.

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// FORWARDED : BY ORDER //

SECTION OFFICER